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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/742,419	12/22/2000	Vladimir V. Mikhailov	9-13528-116US	8029

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EXAMINER

SING, SIMON P

ART UNIT	PAPER NUMBER
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2645

DATE MAILED: 07/27/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/742,419

Applicant(s)

MIKHAILOV ET AL.

Examiner

Simon Sing

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 15 March 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-37,39 and 40 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 10-32,37,39 and 40 is/are allowed.
- 6) ☒ Claim(s) 1-9a and 33-36 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 112

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

1. Claims 1-9 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

The applicant claims in claim 1 that content or service in a content/service message is effected by the C/SPN (content/service provision node) with the SACE (subscriber access control equipment). However, as described in the Specification and illustrated in figures 3, 4, 6 and 7, the content/service message is delivered from the C/SPN to the SACE or vise versa, and the content or service is just being forwarded from one node to the other with the message and is *not* effected by the C/SPN with the SACE as claimed.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 33-36 are rejected under 35 U.S.C. 102(e) as being anticipated by Vuong US 6,765,912.

The applied reference has a common assignee with the instant application.

Based upon the earlier effective U.S. filing date of the reference, it constitutes prior art under 35 U.S.C. 102(e). This rejection under 35 U.S.C. 102(e) might be overcome either by a showing under 37 CFR 1.132 that any invention disclosed but not claimed in the reference was derived from the inventor of this application and is thus not the invention "by another," or by an appropriate showing under 37 CFR 1.131.

2.1 Regarding claim 33, Vuong discloses a gateway (SACE) 14 in figure 1, comprising:

- a) interfaces with a switch fabric (Switch 20), a broadband transport network, or BTN (Packet-Based Network 12), and a signaling (messaging) system (figure 3) for communicating with a call server (Router 28) (column 3, lines 17-20, 62-66); and
- b) controller (Bearer Control 52; figure 2) adapted to set up, tear down, and cache virtual trunk connections through the BTN (column 6, lines 17-49), and to interface with bearer channel of a subscriber line (the voice channel of an ISDN service

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in inherently a bearer channel) to provide a service (audio or video communications) as directed by Router 28 (column 4, lines 2-4, column 5, lines 26-30; column 7, lines 11-16).

2.2 Regarding claim 34, Vuong teaches sending audio and video files to a subscriber, and it is inherent that the audio file can be an announcement.

2.2 Regarding claim 35, Vuong teaches receiving audio files from router 28 (in a packet switch network, files (or packets) are routed to its destination by a router),

2.3 Regarding claim 36, Vuong teaches that control messaging is a SIP protocol (figure 5).

Allowable Subject Matter

3. Claims 10-32 and 37 are allowed.

The following is a statement of reasons for the indication of allowable subject matter:

3.1 Claims 10, 18, 19 and 28:

The Applicant discloses a claimed limitation for delivering the content or service of a content/service message, which conforms to a SIP or similar protocol, to a bearer channel of a subscriber line (connected to SSP 14 in figures 3 and 4) by a subscriber access equipment SACE 28 (connected to a SSP 14 in figures 3 and 4) via direct

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accessing the bearer channel. Young fails to teach direct access to a bearer channel of a subscriber line.

3.2 Claims 10-17, 20-27 and 29-32 are dependents of claims 10, 19 and 28 respectively and therefore allowed.

3.2 Claim 37:

The Applicant discloses a Content/Service Provision Node (C/SPN) for processing call control messages and content/service messages. The C/SPN maintains a status of instructions and executes a sequence of the instructions to provide a content or service to a telephone subscriber. Young fails to teach this claimed limitation.

3.3 Claims 39 and 40 are dependents of claim 37 and therefore allowed.

Response to Arguments

4. Applicant's arguments with respect to claims 1-37, 39 and 40 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

5. Any inquiry concerning this communication or earlier communication from the examiner should be directed to Simon Sing whose telephone number is 571-272-7545. The examiner can normally be reached on Monday - Friday from 8:30 AM to 5:30 PM.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Fan Tsang, can be reached at 571-272-7547. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 571-272-2600.



S. Sing

07/25/2005



FAN TSANG
SUPERVISORY PATENT EXAMINER
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